

ORDINANCE NO. BL2018-1349

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS10 to SP zoning on properties located at 224, 236, 242, 252, 300 and 310 Ben Allen Road and a portion of property located at 214 Ben Allen Road, approximately 290 feet east of Morningside Drive (38.66 acres), to permit 68 single-family lots, 62 multi-family residential units and a maximum of 20,000 square feet of nonresidential uses, all of which is described herein (Proposal No. 2018SP-030-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS10 to SP zoning on properties located at 224, 236, 242, 252, 300 and 310 Ben Allen Road and a portion of property located at 214 Ben Allen Road, approximately 290 feet east of Morningside Drive (38.66 acres), to permit 68 single-family lots, 62 multi-family residential units and a maximum of 20,000 square feet of nonresidential uses, being Property Parcel Nos. 053, 054, 102, and Part of 052 as designated on Map 060-00, and 031, 082, 083 on Map 061 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 060 and map 061 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 68 single-family residential lots, 62 multi-family residential units, 6,500 square feet of day care center (over 75), and 13,500 square feet of all other nonresidential uses permitted by the Mixed Use Neighborhood – Alternative (MUN-A) zoning district.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. All single-family residential units on lots designated as critical lots shall be constructed in a manner that permits the foundation of the home to serve as the retaining wall for that lot. Mass grading of single-family residential lots is prohibited. Each lot shall be required to submit an individual critical lot plan as required by the Metro Zoning Ordinance. No retaining walls shall be permitted on any individual single-family lot other than those necessary along driveways.
2. With the final site plan, a building envelope or footprint shall be designated for each single-family estate lot located along Proposed Road C.
3. Each estate lot along Proposed Road C over one acre in size shall be limited to a maximum area of disturbance of 18 percent of the lot, indicated by submittal of a compliant critical lot plan prior to building permit application. Each estate lot along Proposed Road C less than one acre in size shall be limited to a maximum disturbance of 7,500 square feet, indicated by submittal of a compliant critical lot plan prior to building permit application.
4. With the final site plan, Roads A, B, and C shall be labeled as public roads and Alleys A, B, and C shall be labeled private driveways. A note shall be added to the final site plan that all private driveways shall be maintained by the Homeowner's Association.
5. Roads B and C shall be extended and constructed to the eastern property line and a dedicated turnaround installed at the terminus of each.
6. Prior to submittal of the final site plan, the final width and design of the proposed public greenway along Ben Allen Road shall be determined in coordination with the Planning Department and Metro Public Works.
7. In lieu of a sidewalk on Proposed Road C, each lot oriented to Proposed Road C shall be provided with a private greenway or trail connection to the public greenway and trail system accessing the commercial development along the property frontage and the open space at the top of the hill. The design, surface and materials, and maintenance plan for these private trail or greenway connections shall be specified with the final site plan submittal.
8. Comply with all conditions of Metro Public Works and Traffic and Parking.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent

with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS-5 zoning district for single family lots, RM9-A zoning district for multi family residential units, and MUN-A for non residential as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Councilmember Nancy VanReece